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Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Stephen D. Goble et al.

Serial No. : 10/550,111 ✓ Case No.: 21265P

Filed : September 19, 2005

For : TETRAHYDROPYRANYL CYCLOPENTYL  
HETEROCYCLIC AMIDE MODULATORS OF  
CHEMOKINE RECEPTOR ACTIVITY

Art Unit:

1624

Examiner:

Kahsay Habte

The Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement of August 6, 2007, the applicants make the following elections:

- Group II is elected with traverse. Group II is directed to compounds which have a benzoxazine group in the right hand side of formula I (B is O, and X, A and D are carbon).
- The compound of Example 1 is elected as a species.

The election is made with traverse, because the genus of compounds of Formula I of Claim 1 defines a single inventive concept as required by Rule 13.2. The compounds share a technical relationship, because the compounds have a common structural feature defined by Formula I in Claim 1, and the compounds have a common special technical feature, which is that they are modulators of chemokine receptor activity. It should also be noted that the PCT examiner did not find that there was a lack of unity of invention.

In the current application, the examiner has taken sub-groups of compounds and defined each of the sub-groups as a separate invention, without taking into account that they are sub-groups of a genus of compounds that have a common structural feature and that all have the same therapeutic utility.

The claims that encompass Group II are as follows: 1-4, 10-13, 17-19, and 22-37.

The applicants acknowledge the examiner's note on page 4 that the dependency of Claim 18 is incorrect. It should be dependent on Claim 17, in which D is also carbon and R<sup>3</sup> defines a larger group of choices for R<sup>3</sup>. The claim will be amended after the first substantive office action is received.